

****NOT FOR PRINTED PUBLICATION****

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION**

JODY WAYNE PICKETT,

Plaintiff,

v.

SYDNEY MURPHY, COUNTY OF POLK,
JOHN DOE 1-5, JANE DOE 1-5, WILLIAM
LEE HON,

Defendants.

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CIVIL ACTION NO. 9:17-CV-00029-RC

ORDER ADOPTING REPORT AND RECOMMENDATION

The court has received and considered the report and recommendation of the magistrate judge (Doc. No. 26), which recommends granting Defendants Sydney Murphy's (Murphy) and William Lee Hon's (Hon) "Motions to Dismiss." Doc. Nos. 23, 25. As explained in Judge Hawthorn's report, Murphy and Hon are entitled to absolute immunity. *See* Doc. No. 26. The report also recommended denying as moot Plaintiff Jody Wayne Pickett's (Pickett) "Motion for Leave to File a More Definite Statement" (Doc. No. 10), because Pickett previously filed his "Notice of More Definite Statement" (Doc. No. 11) in which Pickett has already pleaded his "best case." *See Jacquez v. Procunier*, 801 F.2d 789, 793 (5th Cir. 1986).

No objections were filed to the magistrate judge's report and recommendation, and the time for doing so has passed.

It is, therefore, **ORDERED** that the magistrate judge's report and recommendation (Doc. No. 26) is **ADOPTED** and that Murphy's and Hon's "Motions to Dismiss" (Doc. Nos. 23, 25) are **GRANTED**. Pickett's claims against Murphy and Hon are **DISMISSED WITH PREJUDICE**.

It is further **ORDERED** that Pickett's "Motion for Leave to File a More Definite Statement" (Doc. No. 10) is **DENIED** as moot. *See* Doc. No. 11.

A final judgment will be entered separately.

So **ORDERED** and **SIGNED March 11, 2019.**

A handwritten signature in black ink, appearing to read "Ron Clark", written in a cursive style.

Ron Clark, Senior District Judge